

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

## UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia

Alexandria Division



Case No.

1:21-CV-398-LMB/TCB

(to be filled in by the Clerk's Office)

Tod Rehm

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Blake Allbritton

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Tod Rehm		
Address	10011 Glenmere Rd		
	Fairfax	VA	22032
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	USA		
Telephone Number	(572)829-7844		
E-Mail Address	trr123456tia@gmail.com		

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

**Defendant No. 1**

Name	Blake Allbritton		
Job or Title <i>(if known)</i>	Detective with the Fairfax County Police Department		
Address	12099 Government Center Pkwy		
	Fairfax	VA	22035
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	U.S.A.		
Telephone Number			
E-Mail Address <i>(if known)</i>			
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

**Defendant No. 2**

Name			
Job or Title <i>(if known)</i>			
Address			
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County			
Telephone Number			

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E-Mail Address (*if known*)☐ Individual capacity ☐ Official capacity

Defendant No. 3

Name

Job or Title (*if known*)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (*if known*)☐ Individual capacity ☐ Official capacity

Defendant No. 4

Name

Job or Title (*if known*)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (*if known*)☐ Individual capacity ☐ Official capacity**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):☐ Federal officials (a *Bivens* claim)☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

**Fourth Amendment**

18 U.S. Code § 1028(a)(7) Fraud in connection with identification documents, Authentication features, and information

18 U.S. Code § 2511(1)(a) and Va. Code § 19.2-62(A)(1) - Intercepting electronic communications

18 U.S. Code § 2511(1)(c) and Va. Code § 19.2-62(A)(3) - Disclosing the content of intercepted communications

18 U.S. Code § 2511(1)(d) and Va. Code § 19.2-62(A)(4) - Using the content of intercepted communications

18 U.S. Code § 3121 and Va. Code § 19.2-70.1-2 - Using a pen register process without a court order

Fifth Amendment - use of entrapment violates due process

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- C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?
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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Detective Allbritton's undercover investigation and evidence led to Tod Rehm being arrested and charged under Va. Code § 18.2-374.3 and § 18.2-370. Trial is currently set for around October of 2021. The conversations in evidence were illegally obtained in violation of the Electronic Communications and Privacy Act (ECPA). Allbritton also used a pen register process to unmasked Rehm's identity and geo-located Rehm without any pen register warrant

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**III. Statement of Claim**

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

Fairfax County, Virginia

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- B. What date and approximate time did the events giving rise to your claim(s) occur?

April 4-6, 2020

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- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

On or about April 4-6, in Fairfax County, Va., Investigator Blake Allbritton created an ad on Craigslist titled "so bored (fairfax)." There was no indication of age on the advertisement. The conversation began with Allbritton impersonating his imaginary person "Britney Smith." Allbritton brought her to life by sending messages as if he was Britney and intercepting all replies intended for Britney. When asked to send a picture of Britney, Allbritton did not send a picture of himself in disguise, instead he sent a picture of a female adult colleague in her twenties. This photo was illegally used as a "means of identification" to allow Allbritton to illegally intercept communications intended for the female. During the conversation, Allbritton sent a message claiming to be 13-years-old. Allbritton claimed "Britney" was a persona, which is an erroneous description of the truth. The truth is that Allbritton was impersonating a female and intercepting communications intended for her.

"Electronic Surveillance means acquisition of a nonpublic communication by electronic means without the consent of a person who is a party to an electronic communication or, in the case of a nonelectronic communication, without the consent of a person who is visibly present at the place of communication." (Executive Order 12333). "Britney" could not hold a similar conversation while visibly present, therefore Allbritton was using "Britney" to conduct illegal electronic surveillance against Tod Rehm.

Allbritton used a pen register process to geo-locate and unmask the true identity of the person who had a Craig's List email address (Tod Rehm) without ever obtaining a pen register warrant. Allbritton described the process to "track that email address and link it to a physical address" in his pre-trial testimony. Allbritton submitted administrative subpoena to Craigslist for the email address and the IP address associated with the login. He submitted another administrative subpoena to the email address which was a Gmail address and that returned an IP address during the login time.

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#### **IV. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

no physical injuries, just mental and emotional trama.

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**V. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Criminally charge Allbritton with appropriate Fourth Amendment violations of Va. Code § 19.2-62(A)(1, 3, 4), 18 US Code § 2511(1)(a, c, d), 18 U.S. Code § 1028(a)(7), 18 U.S Code § 3121, Va. Code § 19.2-70.1-2 as described above.

Drop all charges against Tod Rehm and expunge his record. The Fairfax County Sheriff Office should be liable for damages to include all legal fees, court costs, and payment of \$500,000 for defamation of character and damage to his reputation in the community. Return monies confiscated at time of arrest including \$101 in cash and an Open Sky Credit Card. Since Rehm's arrest, the DEA and several other federal agencies contacted Rehm about a car rented in Texas in Tod Rehm's name that was used to transport \$20,000,000 of cocaine. Tod Rehm has not been to Texas since 1964.

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**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

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**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 4/1/2021

Signature of Plaintiff



Printed Name of Plaintiff

TOOD BEHM

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

\_\_\_\_\_  
*City*

\_\_\_\_\_  
*State*

\_\_\_\_\_  
*Zip Code*

Telephone Number

E-mail Address